

New Laws Restrict Cell Phone Usage

New Laws

Effective July 1, 2008, new cell phone laws:

- Prohibit persons under the age of 18 from driving a motor vehicle while using a wireless telephone or a mobile service device. This prohibition includes telephones equipped with a hands-free device.
- Prohibit persons 18 and older from driving a motor vehicle while using a hand-held cellular telephone unless that telephone permits hands-free operation.
EXCEPTIONS: The law allows those driving a motor truck, truck tractor, tow truck, or specified farm vehicles to use a digital two-way radio service built into a wireless telephone that operates by depressing a push-to-talk feature and does not require immediate proximity to the user's ear. These exceptions apply until July 1, 2011.

Emergency Exemption

The law permits a driver, regardless of age, to use a wireless telephone **for emergency purposes**, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity.

Penalties

Violating these new laws is an infraction. A violator is subject to a base fine of \$20 for the first offense and not more than \$50 for each subsequent offense. A negligent operator point will **not** be assigned to a driver found guilty of a cell phone usage violation.

Procedures

All driving and traffic violator school owners and operators **must**:

- Update curriculum and lesson plans to cover the new cell phone usage law in every driver education and behind-the-wheel training course.
- Distribute updated curriculum and lesson plans to all instructors to ensure implementation and enforcement of these changes.

The Laws

Visit California Legislative Counsel's Website to access the language of these laws.

For the cell phone law related to minors, visit:

http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0001-0050/sb_33_bill_20070913_chaptered.pdf

For the cell phone law related to adults, known as the California Wireless Telephone Safety Act of 2006, refer to the current *California Vehicle Code* (CVC) or visit:

http://leginfo.ca.gov/pub/05-06/bill/sen/sb_1601-1650/sb_1613_bill_20060915_chaptered.pdf

References

CVC §§23123 and 23124

Distribution

Notification that this memo is available online at www.dmv.ca.gov/pubs/olin/olin.htm was made via e-mail alert in December 2007 to the owners of driving and traffic violator schools.

Contact

If you have any questions regarding this memo, contact the Occupational Licensing Driving and Traffic Violator School units at (916) 229-3127.

A handwritten signature in black ink, appearing to read "Mary Garcia". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

MARY GARCIA, Chief
Occupational Licensing